

REMARKS/ARGUMENTS

Initially, the Applicant would like to thank the Examiner for both his extended indication of allowable subject matter in this case and the courtesies during the phone discussion held on November 17, 2004. In general, all of the claims in this application have been indicated to be allowable, except for claims 4 and 5.

Based on the statements made in the outstanding Office Action and the comments made during the above-referenced telephone conversation, it is recognized that the combination as presented does not function as the invention set forth in claims 4 and 5 but, since these claims were directed only to the subcombination of the brace, the limitations concerning the brace pressing against the panel or even being used in the capacity disclosed in the application were considered to be met as Croft would be "capable of performing" the function. However, it was agreed with the Examiner that amending claim 4 to positively recite the windowed building component, the panel across the windowed building component and the positioning of the brace assembly against the panel for substantially the entire longitudinal length of the bar would patentably set forth the combination over the prior art of record. To this end, claim 4 has been amended to be directed to the combination of the brace assembly on a building, with the brace assembly being positively positioned against the panel to protect the windowed building component. Certainly, the intent of this language is that the claims would cover the indirect engagement of the bar and panel, such as if a tarp, canopy or canvas material was arranged therebetween.

In view of the above remarks, the agreements reached with the Examiner and the amendments proposed to claim 4, it is respectfully submitted that, upon reconsideration and entry of this amendment/response, all of the claims in the application should be in clear condition for allowance. Therefore, entry of this amendment/response after final, allowance of the claims and passage of the application to issue are respectfully requested.

If the Examiner should have any additional questions or concerns regarding the allowance of this application, he is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Everett G. Diederiks, Jr.", written over a horizontal line.

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